



Sen. A. J. Wilhelmi

Filed: 3/3/2010

09600SB2541sam001

LRB096 16373 ASK 38161 a

1 AMENDMENT TO SENATE BILL 2541

2 AMENDMENT NO. _____. Amend Senate Bill 2541 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Uniform Emergency Volunteer Health Practitioners Act.

6 Section 2. Definitions. In this Act:

7 (1) "Disaster relief organization" means an entity that
8 provides emergency or disaster relief services that include
9 health or veterinary services provided by volunteer health
10 practitioners and that:

11 (A) is designated or recognized as a provider of those
12 services pursuant to a disaster response and recovery plan
13 adopted by an agency of the federal government or the
14 Illinois Emergency Management Agency; or

15 (B) regularly plans and conducts its activities in
16 coordination with an agency of the federal government or

1 the Illinois Emergency Management Agency.

2 (2) "Emergency" means an event or condition that is a
3 disaster as defined in Section 4 of the Illinois Emergency
4 Management Agency Act.

5 (3) "Emergency declaration" means a declaration of
6 emergency issued by a person authorized to do so under the laws
7 of this State or a disaster proclamation issued by the Governor
8 pursuant to Section 7 of the Illinois Emergency Management
9 Agency Act.

10 (4) (Reserved).

11 (5) "Entity" means a person other than an individual.

12 (6) "Health facility" means an entity licensed under the
13 laws of this or another state to provide health or veterinary
14 services.

15 (7) "Health practitioner" means an individual licensed
16 under the laws of this or another state to provide health or
17 veterinary services.

18 (8) "Health services" means the provision of treatment,
19 care, advice or guidance, or other services, or supplies,
20 related to the health or death of individuals or human
21 populations, to the extent necessary to respond to an
22 emergency, including:

23 (A) the following, concerning the physical or mental
24 condition or functional status of an individual or
25 affecting the structure or function of the body:

26 (i) preventive, diagnostic, therapeutic,

1 rehabilitative, maintenance, or palliative care; and
2 (ii) counseling, assessment, procedures, or other
3 services;

4 (B) sale or dispensing of a drug, a device, equipment,
5 or another item to an individual in accordance with a
6 prescription; and

7 (C) funeral, cremation, cemetery, or other mortuary
8 services.

9 (9) "Host entity" means an entity operating in this State
10 which uses volunteer health practitioners to respond to an
11 emergency, including a healthcare facility, system, clinic or
12 other fixed or mobile location where health care services are
13 provided. A disaster relief organization may also be a host
14 entity under this subsection to the extent that it operates a
15 healthcare facility, system, clinic, or other fixed or mobile
16 location in providing emergency or disaster relief services.

17 (10) "License" means authorization by a state to engage in
18 health or veterinary services that are unlawful without the
19 authorization.

20 (11) "Person" means an individual, corporation, business
21 trust, trust, partnership, limited liability company,
22 association, joint venture, public corporation, government or
23 governmental subdivision, agency, or instrumentality, or any
24 other legal or commercial entity.

25 (12) "Scope of practice" means the extent of the
26 authorization to provide health or veterinary services granted

1 to a health practitioner by a license issued to the
2 practitioner in the state in which the principal part of the
3 practitioner's services are rendered, including any conditions
4 imposed by the licensing authority.

5 (13) "State" means a state of the United States, the
6 District of Columbia, Puerto Rico, the United States Virgin
7 Islands, or any territory or insular possession subject to the
8 jurisdiction of the United States.

9 (14) "Veterinary services" means the provision of
10 treatment, care, advice or guidance, or other services, or
11 supplies, related to the health or death of an animal or to
12 animal populations, to the extent necessary to respond to an
13 emergency declaration, including:

14 (A) diagnosis, treatment, or prevention of an animal
15 disease, injury, or other physical or mental condition by
16 the prescription, administration, or dispensing of
17 vaccine, medicine, surgery, or therapy;

18 (B) use of a procedure for reproductive management; and

19 (C) monitoring and treatment of animal populations for
20 diseases that have spread or demonstrate the potential to
21 spread to humans.

22 (15) "Volunteer health practitioner" means a health
23 practitioner who provides health or veterinary services,
24 whether or not the practitioner receives compensation for those
25 services. The term does not include a practitioner who receives
26 compensation pursuant to an employment or independent

1 contractor relationship existing at the time of the emergency
2 with a host entity or disaster relief organization which
3 requires the practitioner to provide health or veterinary
4 services in this State, unless the practitioner is not a
5 resident of this State and is employed by or an independent
6 contractor of a host entity or disaster relief organization
7 providing services in this State while an emergency declaration
8 is in effect.

9 Section 3. Applicability to volunteer health
10 practitioners. This Act applies to volunteer health
11 practitioners registered with a registration system that
12 complies with Section 5 and who provide health or veterinary
13 services in this State for a host entity or disaster relief
14 organization while an emergency declaration is in effect.

15 Section 4. Regulation of services during emergency.

16 (a) While a disaster proclamation under the Illinois
17 Emergency Management Agency Act is in effect, the Illinois
18 Emergency Management Agency may limit, restrict, or otherwise
19 regulate:

20 (1) the duration of practice by volunteer health
21 practitioners;

22 (2) the geographical areas in which volunteer health
23 practitioners may practice;

24 (3) the types of volunteer health practitioners who may

1 practice; and

2 (4) any other matters necessary to coordinate
3 effectively the provision of health or veterinary services
4 during the emergency.

5 (b) An order issued pursuant to subsection (a) may take
6 effect immediately, without prior notice or comment, and is not
7 a rule within the meaning of the Illinois Administrative
8 Procedure Act.

9 (c) A host entity or disaster relief organization that uses
10 volunteer health practitioners to provide health or veterinary
11 services in this State shall:

12 (1) consult and coordinate its activities with the
13 Illinois Emergency Management Agency to the extent
14 practicable to provide for the efficient and effective use
15 of volunteer health practitioners; and

16 (2) comply with any laws relating to the management of
17 emergency health or veterinary services.

18 Section 5. Volunteer Health Practitioner Registration
19 Systems.

20 (a) To qualify as a volunteer health practitioner
21 registration system, a system must:

22 (1) accept applications for the registration of
23 volunteer health practitioners before or during an
24 emergency;

25 (2) include information about the licensure and good

1 standing of health practitioners which is accessible by
2 authorized persons;

3 (3) be capable of confirming the accuracy of
4 information concerning whether a health practitioner is
5 licensed and in good standing before health services or
6 veterinary services are provided under this Act; and

7 (4) meet one of the following conditions:

8 (A) be an emergency system for advance
9 registration of volunteer health-care practitioners
10 established by a state and funded through the
11 Department of Health and Human Services under Section
12 319I of the Public Health Services Act, 42 U.S.C.
13 Section 247d-7b (as amended);

14 (B) be a local unit consisting of trained and
15 equipped emergency response, public health, and
16 medical personnel formed pursuant to Section 2801 of
17 the Public Health Services Act, 42 U.S.C. Section 300hh
18 (as amended);

19 (C) be operated by a:

20 (i) disaster relief organization;

21 (ii) licensing board;

22 (iii) national or regional association of
23 licensing boards or health practitioners;

24 (iv) health facility that provides
25 comprehensive inpatient and outpatient health-care
26 services, including a tertiary care, teaching

1 hospital, or ambulatory surgical treatment center;

2 or

3 (v) governmental entity; or

4 (D) be designated by the Illinois Department of
5 Public Health as a registration system for purposes of
6 this Act.

7 (b) While an emergency declaration is in effect, the
8 Illinois Department of Public Health, a person authorized to
9 act on behalf of the Illinois Department of Public Health, or a
10 host entity or disaster relief organization, may confirm
11 whether volunteer health practitioners utilized in this State
12 are registered with a registration system that complies with
13 subsection (a). Confirmation is limited to obtaining
14 identities of the practitioners from the system and determining
15 whether the system indicates that the practitioners are
16 licensed and in good standing.

17 (c) Upon request of a person in this State authorized under
18 subsection (b), or a similarly authorized person in another
19 state, a registration system located in this State shall notify
20 the person of the identities of volunteer health practitioners
21 and whether the practitioners are licensed and in good
22 standing.

23 (d) A host entity or disaster relief organization is not
24 required to use the services of a volunteer health practitioner
25 even if the practitioner is registered with a registration
26 system that indicates that the practitioner is licensed and in

1 good standing.

2 Section 6. Recognition of volunteer health practitioners
3 licensed in other states.

4 (a) While an emergency declaration is in effect, a
5 volunteer health practitioner, registered with a registration
6 system that complies with Section 5 and licensed and in good
7 standing in the state upon which the practitioner's
8 registration is based, may practice in this State to the extent
9 authorized by this Act as if the practitioner were licensed in
10 this State.

11 (b) A volunteer health practitioner qualified under
12 subsection (a) is not entitled to the protections of this Act
13 if any license of the practitioner is suspended, revoked, or
14 subject to an agency order limiting or restricting practice
15 privileges, or has been voluntarily terminated under threat of
16 sanction.

17 Section 7. No effect on credentialing and privileging.

18 (a) In this Section:

19 (1) "Credentialing" means obtaining, verifying, and
20 assessing the qualifications of a health practitioner to
21 provide treatment, care, or services in or for a health
22 facility.

23 (2) "Privileging" means the authorizing by an
24 appropriate authority, such as a governing body, of a

1 health practitioner to provide specific treatment, care,
2 or services at a health facility subject to limits based on
3 factors that include license, education, training,
4 experience, competence, health status, and specialized
5 skill.

6 (b) This Act does not affect credentialing or privileging
7 standards of a health facility and does not preclude a health
8 facility from waiving or modifying those standards while an
9 emergency declaration is in effect.

10 Section 8. Provision of volunteer health or veterinary
11 services; administrative sanctions.

12 (a) Subject to subsections (b) and (c), a volunteer health
13 practitioner shall adhere to the scope of practice for a
14 similarly licensed practitioner established by the licensing
15 provisions, practice Acts, or other laws of this State.

16 (b) Except as otherwise provided in subsection (c), this
17 Act does not authorize a volunteer health practitioner to
18 provide services that are outside the practitioner's scope of
19 practice, even if a similarly licensed practitioner in this
20 State would be permitted to provide the services.

21 (c) Consistent with the Department of Professional
22 Regulation Law of the Civil Administrative Code of Illinois and
23 the Department of Public Health Powers and Duties Law of the
24 Civil Administrative Code of Illinois, the Illinois Emergency
25 Management Agency, the Department of Financial and

1 Professional Regulation, or the Illinois Department of Public
2 Health may modify or restrict the health or veterinary services
3 that volunteer health practitioners may provide pursuant to
4 this Act during an emergency. A proclamation under this
5 subsection may take effect immediately, without prior notice or
6 comment, and is not a rule within the meaning of the Illinois
7 Administrative Procedure Act.

8 (d) A host entity or disaster relief organization may
9 restrict the health or veterinary services that a volunteer
10 health practitioner may provide pursuant to this Act.

11 (e) A volunteer health practitioner does not engage in
12 unauthorized practice unless the practitioner has reason to
13 know of any limitation, modification, or restriction under this
14 Section or that a similarly licensed practitioner in this State
15 would not be permitted to provide the services. A volunteer
16 health practitioner has reason to know of a limitation,
17 modification, or restriction or that a similarly licensed
18 practitioner in this State would not be permitted to provide a
19 service if:

20 (1) the practitioner knows the limitation,
21 modification, or restriction exists or that a similarly
22 licensed practitioner in this State would not be permitted
23 to provide the service; or

24 (2) from all the facts and circumstances known to the
25 practitioner at the relevant time, a reasonable person
26 would conclude that the limitation, modification, or

1 restriction exists or that a similarly licensed
2 practitioner in this State would not be permitted to
3 provide the service.

4 (f) In addition to the authority granted by law of this
5 State to regulate the conduct of health practitioners, a
6 licensing board or other disciplinary authority in this State:

7 (1) may impose administrative sanctions upon a health
8 practitioner licensed in this State for conduct outside of
9 this State in response to an out-of-state emergency;

10 (2) may impose administrative sanctions upon a
11 practitioner not licensed in this State for conduct in this
12 State in response to an in-state emergency; and

13 (3) shall report any administrative sanctions imposed
14 upon a practitioner licensed in another state to the
15 appropriate licensing board or other disciplinary
16 authority in any other state in which the practitioner is
17 known to be licensed.

18 (g) In determining whether to impose administrative
19 sanctions under subsection (f), a licensing board or other
20 disciplinary authority shall consider the circumstances in
21 which the conduct took place, including any exigent
22 circumstances, and the practitioner's scope of practice,
23 education, training, experience, and specialized skill.

24 Section 9. Relation to other laws.

25 (a) This Act does not limit rights, privileges, or

1 immunities provided to volunteer health practitioners by laws
2 other than this Act. Except as otherwise provided in subsection
3 (b), this Act does not affect requirements for the use of
4 health practitioners pursuant to the Emergency Management
5 Assistance Compact.

6 (b) The Illinois Emergency Management Agency, pursuant to
7 any mutual aid compacts entered into by this State, may
8 incorporate into the emergency forces of this State volunteer
9 health practitioners who are not officers or employees of this
10 State, a political subdivision of this State, or a municipality
11 or other local government within this State.

12 Section 10. Regulatory authority. The Illinois Emergency
13 Management Agency may adopt rules to implement this Act. The
14 Illinois Emergency Management Agency shall consult with and
15 consider the recommendations of the entity established to
16 coordinate the implementation of any mutual aid compacts
17 entered into by this State and may also consult with and
18 consider rules adopted by similarly empowered agencies in other
19 states to promote uniformity of application of this Act and
20 make the emergency response systems in the various states
21 reasonably compatible.

22 Section 11. Workers' compensation coverage. A volunteer
23 health practitioner providing health or veterinary services
24 pursuant to this Act may be considered a volunteer in

1 accordance with subsection (k) of Section 10 of the Illinois
2 Emergency Management Agency Act for the purposes of worker's
3 compensation coverage.

4 Section 12. Uniformity of application and construction. In
5 applying and construing this Uniform Act, consideration must be
6 given to the need to promote uniformity of the law with respect
7 to its subject matter among states that enact it.".